

BILL ANALYSIS

Senate Research Center

H.B. 84
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Intergovernmental Relations
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House Engrossment

BACKGROUND

Under current law, certain general-law municipalities are unable to annex adjacent streets, highways, and other ways, which creates difficulties when a landowner requests annexation and the land is separated from the municipality by a state highway, for example. The separated land is not considered to be "contiguous" to the municipality, as the state owns the fee title to most state highway right-of-ways, and the land cannot be annexed.

On the other hand, home-rule cities are currently able to annex adjacent streets, highways, and other ways without the consent of any person and without publishing the ordinance prior to adoption.

PURPOSE

As proposed, H.B. 84 eliminates population as a criterion for determining which general-law municipalities may annex, and adds "other public or private way" and "railway line, spur, or roadbed" to the list of property that may be annexed.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.103, Local Government Code, as follows:

Sec. 43.103. New title: ANNEXATION OF STREETS, HIGHWAYS, AND OTHER WAYS BY GENERAL-LAW MUNICIPALITY. Deletes specific population requirements, applying the section instead to a general-law municipality with a population of 500 or more. Allows the municipalities to annex, by ordinance and without the consent of any person, the part of a street, highway, alley, or other public or private way that is adjacent and runs parallel to the boundaries of the municipality. Provides that the requirements imposed by Section 43.054 regarding the width of the area to be annexed do not apply to an area annexed under this section.

SECTION 2. Validates the annexation or attempted annexation by general-law municipalities prior to the effective date of this Act, when the land was separated from the municipality by a street, highway, alley, or other public or private way, including a railway line, spur, or roadbed. Excludes matters involved in validity litigation prior to, or on the effective date of this Act.

SECTION 3. Repealer: Section 43.104, Local Government Code. Provides that annexation begun or pending under Section 43.104 on the effective date is not affected by the repeal.

SECTION 4. Emergency clause.
Effective date: upon passage.